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PORT OF SEATTLE POLICE DEPT.

W554 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9000

Norm Maleng
Prosecuting Attorney

July 11, 2001

Copies to Com Staff | Saks

RE: Protocol For Field Testing

Dear King County Police Chiefs:

The King County Prosecuting Attorney's Office has been filing felony cocaine, heroin, and marijuana cases, both adult and juvenile, based on field tests since 1997. This practice has expedited the prosecution of felony drug offenses and greatly reduced the burden on the Washington State Patrol Crime Laboratory. When we implemented this policy, there was general agreement from the lab that field tests for other drugs were not yet reliable enough to form the basis for the filing of criminal charges. That has now changed.

Beginning immediately, we will file adult and juvenile felony drug charges involving methamphetamine, amphetamine, MDMA, and MDA based on field tests that comply with the attached protocol. It is imperative that only properly qualified and trained personnel are conducting the field tests according to the protocol. The integrity of this system is only as good as the quality of the field tests done. Errors will seriously undermine this system in the eyes of the Superior Court. The Certification for Determination of Probable Cause submitted with these cases should state, "The substance was field tested in accordance with the protocol established by the WSPCL with positive results for (name of drug)."

As with cases filed based on field tests for cocaine, heroin, and marijuana, we will need to have the lab test these new substances for any cases that are going to trial. The same procedure that is currently used for cocaine, heroin, and marijuana will also be used for the four new drugs. The case detective must submit the lab test request form and the controlled substances to the Crime Lab within three (3) days of notification that a trial date has been set.

If your agency does not use the ODV Incorporated tests listed on the protocol, please call Ed Suzuki at the lab, (206)464-7074, for verification that your tests are acceptable. Mr. Suzuki is verifying that other commonly used field tests produce the same results as the ODV tests. Given the value of this new program, we thought it was important to implement it immediately rather than waiting until these comparison studies were done.

The lab currently has a significant backlog of cases involving these four drugs, mostly methamphetamine. They are committed to reducing this backlog as quickly as possible. Understanding your own personnel constraints, we leave it to you to decide whether you want to have your detectives retrieve the evidence in cases involving these four drugs, field test them, and submit the cases to our office for filing. This would expedite the filing of those cases and further reduce the lab's backlog.